

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

DAVID EADS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 323-047
	)	
DR. DAVE CHENEY and STANLEY	)	
HOLDEN,	)	
	)	
Defendants.	)	

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**ORDER**

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Plaintiff, incarcerated at Telfair State Prison, is proceeding *pro se* and *in forma pauperis* in this case filed pursuant to 42 U.S.C. § 1983. On August 9, 2023, the Court recommended dismissing the case without prejudice because Plaintiff failed to return his Consent to Collection of Fees form. (See doc. nos. 5-7.) Prompted by the recommendation for dismissal, Plaintiff submitted a copy of his Consent to Collection of Fees form as an attachment to his objections. (See doc. no. 11, p. 15.) Plaintiff contends he mailed the form, although the Court never received it. Thus, because the Court now has received the required form, the Court **VACATES** its August 9, 2023, recommendation for dismissal. (Doc. no. 6.)

As Plaintiff has furnished a certified copy of his trust fund account statement and has consented to the collection in installments of the \$350.00 filing fee and any costs from his

prison trust account, and based on the information furnished by Plaintiff, the Court **ORDERS** Plaintiff to pay an initial filing fee of **\$11.17** within thirty days from the date of this Order.<sup>1</sup>

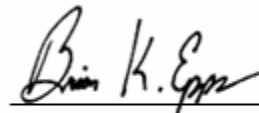
If Plaintiff does not have sufficient funds in his account to pay the initial partial filing fee of **\$11.17**, Plaintiff's custodian (or his designee) shall forward all available funds and carry the balance forward each month until the initial partial filing fee is paid in full. Plaintiff shall not be permitted to withdraw funds from his prison account until this initial fee has been paid.

**IT IS FURTHER ORDERED** that after the initial partial filing fee has been paid, Plaintiff's custodian or his designee shall set aside twenty percent of all deposits to Plaintiff's trust fund account and forward those funds to the Clerk each time the set aside amount exceeds \$10.00 until the \$350.00 filing fee has been paid in full.

**IT IS FURTHER ORDERED** that all payments shall be designated as made in payment of the filing fee for Civil Action No. 323-047. In the event Plaintiff is transferred to another institution, Plaintiff's present custodian shall forward a copy of this Order and all financial information concerning payment of the filing fee and costs in this case to Plaintiff's new custodian. The balance due from Plaintiff shall be collected by the custodian at his next institution in accordance with the terms of this Order.

The Clerk of Court is **DIRECTED** to serve this Order on Plaintiff and Plaintiff's custodian (warden).

SO ORDERED this 5th day of September, 2023, at Augusta, Georgia.

  
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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> The Clerk is **DIRECTED** to inform the Court immediately of any payment received from Plaintiff of the initial filing fee.